



City of Santa Barbara
Planning Division

Memorandum

DATE: April 11, 2017

TO: Planning Commission

FROM: Danny Kato, Senior Planner *D.K.*
Marck Aguilar, Project Planner *M. Aguilar*

SUBJECT: NZO – Accessory Dwelling Units

During the public review of the New Zoning Ordinance (NZO), the standards for Secondary Dwelling Units were kept as a "placeholder" with no public discussion, because the NZO did not propose to change those existing standards. However, in January 2017 new state law (Government Code Section 65852.2) made the City's Secondary Dwelling Unit (in single family zones) and Accessory Dwelling Unit (in R-2 zones) ordinances null and void. The new state law allows the City to adopt a new Accessory Dwelling Unit (ADU) ordinance that complies with state law. In the interim, the City has been processing Accessory Dwelling Units in all zones that allow residential units (single family zones, multi-family zones, commercial zones, etc.), consistent with state law.

Since the NZO was not proposing any new standards for Accessory Dwelling Units, the Draft New Zoning Ordinance proposed that Accessory Dwelling Units would only be permitted in the single unit residential (RS) zones, as a continuation of the previous ordinance requirement.

The Planning Commission Staff Report dated February 9, 2017 stated the following regarding Accessory Dwelling Units:

"On January 1, 2017, a new State law regarding Accessory Dwelling Units (formerly known as Secondary Dwelling Units, a.k.a. Granny Flats or In-law Units) went into effect, and nullified the City's former regulations, including those related to Accessory Dwelling Units in the R-2 Zone. The new State law outlines the extent that local jurisdictions may regulate Accessory Dwelling Units. Until the City adopts a new ordinance that complies with State law, Accessory Dwelling Units must be processed pursuant to State law. City staff will be drafting new Accessory Dwelling Unit regulations that comply with State law. These proposed new regulations will be moving forward on a separate track."

However, there is a discrepancy between what the state allows and the Draft NZO language. Where State law allows Accessory Dwelling Units on lots that are zoned for single-family or multi-family use and contain an existing, single-family dwelling, the Draft

NZO language limits the allowable locations of Accessory Dwelling Units to Residential Single Unit (i.e. Single Family) Zones.

Although the City may, by ordinance, restrict the zones in which Accessory Dwelling Units are allowed, staff's recommendation is to reserve the discussion on all Accessory Dwelling Unit standards until a separate Accessory Dwelling Unit ordinance can be prepared. Therefore staff recommends that the Draft NZO language be amended to remove Accessory Dwelling Units from the Land Use Tables, as shown in Exhibit A.

On Thursday, April 6, 2017, the City Council and the Planning Commission directed staff to prioritize an Accessory Dwelling Unit Ordinance. Staff will embark upon that ordinance process in the coming weeks, with the intent of adopting new regulations as soon as possible, and incorporating them into the Zoning Ordinance.

Exhibits:

A. Table 28.07.020: Residential Zone, Land Use Regulations

Exhibit A

TABLE 28.07.020: LAND USE REGULATIONS—RESIDENTIAL ZONES					
“A” Allowed Use “PSP” Performance Standard Permit Required “CUP” Conditional Use Permit Required			“—” Use Not Allowed “(H)” Specific Limitations at the end of the table		
Use Classification	RS	R-2	R-M	R-MH	Additional Regulations
Residential Uses					
Residential Housing Types					
Single-Unit Residential	A	A	A	A	
Two-Unit Residential	—	A	A	A	
Multi-Unit Residential	—	A(1)	A	A	
Special Residential Unit Types					
Accessory Dwelling Unit	A	—	—	—	§28.49.040, Accessory Dwelling Unit
Additional Residential Unit	PSP	—	—	—	§28.49.050, Additional Residential Unit
Caretaker Unit	—	—	A	A	§28.49.120, Caretaker Unit
Garden Apartment	—	CUP	—	—	§28.49.180, Garden Apartment Developments
Planned Residential Development	CUP	—	—	—	§28.49.330, Planned Residential Development
Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices					
6 or fewer individuals	A	A	A	A	§28.49.140, Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices
7 to 12 individuals	PSP	PSP	PSP	PSP	
More than 12 individuals	CUP	CUP	CUP	CUP	
Family Day Care Home					
Small	A	A	A	A	
Large	PSP	PSP	PSP	PSP	§28.49.230, Large Family Day Care Homes
Group Residential	CUP(2)	CUP	CUP	CUP	§28.49.190, Group Residential
Home Occupation	A	A	A	A	§28.49.200, Home Occupation
Live-Work Unit	Allowed subject to the highest permit level required for any individual use or component of the project.				§28.49.240, Live-Work Units
Mobilehome	A(3)	A(3)	A(3)	A(3)	§28.49.270, Mobilehomes, Recreational Vehicles, and Modular Units, Individual Use